

PATENT
Attorney Docket No. 05725.1242-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Bertrand LION et al.) Group Art Unit: 1796
Application No.: 10/670,478) Examiner: H. PEZZUTO
Filed: September 26, 2003)
For: NOVEL BLOCK POLYMERS AND) Confirmation No.: 7403
COSMETIC COMPOSITIONS AND)
PROCESSES COMPRISING)
THEM)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the listed documents on the attached PTO SB/08 Form. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination in the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patent publications are not enclosed. A copy of the listed copending Office Action is not enclosed because it is available on PAIR.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality

standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the Office Action in the co-pending application is material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive Office Action filed in the co-pending application on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. EP 0 648 485 - This document is believed to be related to U.S. Patent No. 5,538,717.
2. FR 2 710 552 - This document is believed to be related to U.S. Patent No. 5,681,877. An English language Derwent Abstract of this document is also submitted herewith.
3. FR 2 710 646 - This document is believed to be related to U.S. Patent No. 5,711,940. An English language Derwent Abstract of this document is also submitted herewith.
4. FR 2 791 987 - This document is believed to be related to U.S. Patent No. 6,552,146. An English language Derwent Abstract of this document is also submitted herewith.

5. **FR 2 832 719** - This document is believed to be related to U.S. Patent Application Publication No. 2003/0124074. An English language Derwent Abstract of this document is also submitted herewith.

6. **FR 2 832 720** - This document is believed to be related to U.S. Patent Application Publication No. 2005/0020779. An English language Derwent Abstract of this document is also submitted herewith.

7. **JP H07-309721** - An English language Abstract of this document is submitted herewith.

8. **JP H08-119836** - An English language Abstract of this document is submitted herewith.

9. **JP H11-100307** - An English language Abstract of this document is submitted herewith.

10. **JP 2000-319325** - This document is believed to be related to U.S. Patent No. 6,552,146.

11. **JP 2003-081742** - This document is believed to be related to U.S. Patent Application Publication No. 2004/0223933 and EP 1 440 680.

12. **JP 2004-149772** - This document is believed to be related to U.S. Patent Application Publication Nos. 2004/0120906, 2004/0120920, 2006/0093568, 2006/0099164, 2006/0115444, 2006/0127334, 2006/0134032, 2006/0134044, 2006/0134051, 2006/0147402, and 2006/0147403.

13. **WO 96/10044** - This document is believed to be related to U.S. Patent No. 6,280,713. This document is also the publication of JP H10-506404, which is not

available except in the form of the PCT document. An English-language abstract is also found on the face of the document.

14. WO 01/13863 - An English language Abstract of this document is submitted herewith. An English-language abstract is also found on the face of the document.

15. WO 01/51018 - An English language Abstract of this document is submitted herewith. An English-language abstract is also found on the face of the document.

16. WO 01/89470 - This document is believed to be related to U.S. Patent Application Publication No. 2002/0115780. An English-language abstract is also found on the face of the document.

17. WO 02/05762 - This document is believed to be related to U.S. Patent Application Publication No. 2004/0052745. An English-language abstract is also found on the face of the document.

Applicants have enclosed a copy of copending U.S. Application No. 10/670,388 priority application's European Search Report for the Examiner's consideration.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: September 25, 2008

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